

Response to Non-Final Office Action of 7/1/2008

REMARKS

Claims 1-24 are rejected and claims 7-11 and 18-21 are objected to in the present Office Action. In this response, claims 1-13, 17-19, and 21-24 are amended and new claims 25-82 are added. Accordingly, claims 1-82 remain pending in the present application. Amendments of claims are not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and reasons.

As a preliminary matter, Applicant inadvertently submitted two consecutive claims numbered as claim 23. Pending renumbering of the claims upon allowance, Applicant will henceforth refer to the first claim 23 as the "first instance of claim 23" and the second claim 23 as the "second instance of claim 23." Support for new claims 77-82 is provided, for example, at page 9, lines 4-21 and page 13, line 24-page 14, line 4 of the filed PCT application. No new matter is added.

Claim Objections

Claims 7-11 and 18-21 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependant claim should not reference back to another multiple dependent claim.

Claims 7-11 and 18-21 are amended and new claims 25-76 are added to remove the multiple dependency to another multiple dependent claim. Accordingly, Applicant respectfully requests the objection under 37 CFR 1.75(c) be withdrawn. No new matter is added.

Claim Rejection Under 35 USC §101

Claims 1-11 and the second instance of claim 23 are rejected under 35 U.S.C. 101 because the claims are allegedly directed to non-statutory subject matter.

In response, claims 1-11 are amended to recite an “apparatus” and the second instance of claim 23 is amended to recite a “computer-readable storage medium containing computer-executable instructions” to overcome the rejection. Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. 101.

Claim Rejection Under 35 USC §112

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In response, Applicant respectfully submits that each of claims 1-11 is amended to replace “arrangement” with “apparatus.” Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. 112.

Claim Rejection Under 35 USC §102

Claims 1-4, 6, 12-17, and 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmidl (EP 1063780).

Independent claim 1 has been amended to recite, among other things, “means for arranging the plurality of predetermined sequences in an indexed list” and “means for selecting at least two of the plurality of predetermined sequences from the indexed list.” (Emphasis added.) Support for this amendment may be found, for example, at page 9, lines 4-21 of the filed PCT application.

In contrast, Schmidl discloses forming sequences of length 16 by appending a “1” or “-1” to a code of length 15. Schmidl discloses that “there are two m-sequences of length 15. . . Note that the second sequence is the first sequence in reverse order. In order to form sequences of length 16, simply append a 1 or -1 to the end of the first [maximal length] sequence[.]” (Emphasis added.) (Paragraphs [0022]-[0023]). Schmidl fails to disclose or suggest having an indexed list of

sequences or selectively choosing sequences from the indexed list for concatenation, as recited in claim 1.

Amended independent claim 12 recites similar limitations as discussed above for claim 1.

For at least the foregoing reasons, Applicant respectfully submits that each of claims 1 and 12 is allowable over Schmidl. Claims 2-4, 6, 13-17, 22-27, and 54-57, which depend from either claim 1 or 12, are also allowable over Schmidl for at least the same reasons as discussed above for claim 1.

Claim Rejection Under 35 USC §103

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidl.

Schmidl fails to disclose or suggest the combination of elements recited in claim 1. Thus, claim 5, which depends from claim 1, is allowable for at least the same reasons as discussed above for claim 1. Accordingly, Applicant respectfully submits that the rejection of claim 5 has been overcome.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Applicant's silence during prosecution should not be construed to be an admission. Applicant reserves the right to address points raised earlier in prosecution at a later time. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No.: 03-1952** referencing **Docket No.: 562492004300**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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